

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUAN PABLO GARNICA,

Petitioner,

v.

No. 2:24-cv-239 KG-GBW

HECTOR RIOS, WARDEN, and
ATTORNEY GENERAL FOR
THE STATE OF NEW MEXICO,


Respondents.

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

This matter is before the Court on Petitioner's Motion to Proceed *In Forma Pauperis*. (Doc. 2). Petitioner is a state prisoner proceeding *pro se*. He seeks to prosecute his 28 U.S.C. § 2254 petition without prepaying the \$5.00 fee. Such relief is only available where the petitioner's "statement of ... assets [demonstrates he] ... is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). Petitioner does not qualify under that test. Petitioner's inmate financial statement reflects a balance of \$600.57 and he can afford to pay the \$5.00 habeas fee. (Doc. 2) at 6.

Accordingly, IT IS ORDERED:

1. Petitioner's Motion to Proceed *In Forma Pauperis* (Doc. 2) is denied.
2. Petitioner must pay the \$5.00 filing fee within thirty (30) days of entry of this Order.
3. The failure to timely comply may result in dismissal of this case without further notice.


UNITED STATES DISTRICT JUDGE